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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,345	03/17/2004	Corey M. Willson	59599US002	3641

32692 7590 10/07/2005

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EXAMINER

POPE, DARYL C

ART UNIT PAPER NUMBER

2632

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/802,345	WILLSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	POPE C. DARYL	2632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/2/05</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

**ART REJECTION:**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3,5, and 9-18 rejected under 35 U.S.C. 102(b) as being anticipated by Shojima et al(6,259,990).**

-- In considering **claims 1,9,11-13,15, and 17-18**, the claimed subject matter that is met by Shojima et al(Shojima) includes:

- 1) the position marker is met by the stationary installation marker(3);
- 2) the locating device for locating the position marker is met by the route guidance apparatus(2);
- 3) the GPS device coupled to the locating device GPS receiver(209);
- 4) the electronic memory for storing a data record associating GPS coordinate data with the located position marker is met by the data storage part for recording communication data for storage(see: column 4, lines 1-7);
- 5) the locating circuitry is met by the receiver(210) which locates the marker by receiving beams emitted by the marker(see: column 4, lines 17-19).

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-- With regards to **claims 2-3,14, and 16** the computer for running a mapping application and updating mapping application from received data records stored in the electronic memory is met by the information navigation part(203, column 4, lines 7-15).

-- With regards to **claim 5**, the locating device reading marker data from the position marker is met by the beam receiver(210) of the apparatus(2) receiving direction information from the marker(3, column 4, lines 15-19).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4,6-8, rejected under 35 U.S.C. 103(a) as being unpatentable over Shojima et al.**

-- With regards to **claim 4**, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the memory into the GPS and transmit the stored data into to the computer, since this would have reduced the circuitry and requirements of the navigation part of Shojima.

-- With regards to **claim 6**, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a GPS device in the marker such that coordinate data would have provided GPS data since this would have provided redundant coordinate information to the apparatus.

-- With regards to **claim 7**, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a removable memory card into the apparatus since use of removable memory would have allowed flexibility and ease of transferring or updating information to the apparatus.

-- With regards to **claim 8**, the examiner takes Official Notice that in the communication art, use of RS-232 cables for transmitting information is well known, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an RS-232 cable into the apparatus(2) connecting the GPS receiver(209) to the locating device, since this would have helped ensure the integrity of information transfer in the apparatus.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL J. WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

10/2/2005

DARYL C POPE  
Primary Examiner  
Art Unit 2632

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title.